CONTRIBUTION OF THE INTERNATIONAL MARITIME ORGANIZATION (IMO) TO THE SECRETARY-GENERAL’S REPORT ON OCEANS AND THE LAW OF THE SEA, 2009

(Assembly resolution A/RES/63/111)

PRELIMINARY CONSIDERATIONS

In accordance with the request made by the Legal Counsel, Under-Secretary-General for Legal Affairs of the United Nations in his letter to the Secretary-General of IMO dated 10 December 2008, this contribution focuses on major developments on ocean issues within the areas of competence of IMO during the year 2008.

The 1982 Convention on the Law of the Sea is referred to throughout this contribution as “UNCLOS” or “the Convention”.

I

THE GLOBAL MANDATE OF IMO IN THE FIELD OF SAFETY OF NAVIGATION AND PREVENTION OF MARINE POLLUTION FROM VESSELS’ SOURCE

During the year 2008 IMO continued focusing its activities on the adoption and implementation of international rules and standards for the safety of navigation, prevention of the pollution of the marine environment from vessels’ source, and maritime security.

Although IMO is explicitly mentioned in only one of the articles of UNCLOS (article 2 of Annex VIII), several provisions in the Convention refer to the “competent international organization” to adopt international shipping rules and standards in matters concerning maritime safety, efficiency of navigation and the prevention and control of marine pollution from vessels and by dumping.

In such cases the expression ”competent international organization”, when used in the singular in UNCLOS, applies exclusively to IMO, bearing in mind the global mandate of the Organization as a specialized agency within the United Nations system established by the Convention on the International Maritime Organization (the "IMO Convention").

The wide acceptance and uncontested legitimacy of IMO's universal mandate, in accordance with international law, is evidenced by the following facts:

- 168 sovereign States representing all regions of the world are Members of IMO;
- all Members may participate at meetings of IMO bodies in charge of the elaboration and adoption of recommendations containing safety and antipollution rules and standards. These rules and standards are normally adopted by consensus; and
- all States, irrespective of whether they are or are not Members of IMO or the United Nations, are invited to participate at IMO conferences in charge of adopting new IMO conventions. All IMO treaty instruments have so far been adopted by consensus.
At present, between 148 and 158 (depending on the treaty) have become Parties to the main IMO conventions. Since the general degree of acceptance of these shipping conventions is mainly related to their implementation by flag States, it is of paramount importance to note that States Parties to these Conventions in all cases represent more than 90 per cent of the world’s merchant fleet.

Adoption of new treaties, and amendments to existing ones, have been guided by adherence to the philosophy according to which rules and standards should be developed in order to prevent accidents at sea, and not in response to them. Accordingly, operational features are constantly under review in order to ensure that shipping activities conform to the highest possible safety and anti-pollution preventative regulations.

IMO attaches the highest priority to the need of ensuring that its numerous rules and standards contained in these treaties are properly implemented. In order to help ensure this implementation, IMO focuses on the continuous strengthening of regulations to ensure that flag and port States and shipowners develop their capacities and exert their responsibility to the fullest. Technical co-operation has been intensified by the operation of the Integrated Technical Co-operation Programme aimed at ensuring that funds from different donor sources are properly channelled towards the execution of projects under the supervision of IMO as executing agency aimed at strengthening the maritime infrastructure of developing countries.

IMO is also acting as executing agency for two major projects funded by the Global Environment Facility through UNDP, the Marine Electronic Highway and the GloBallast Partnerships, the latest being hailed as one of the most successful showcases of cross-sectoral cooperation among UN agencies and the private sector.

II

MARITIME SAFETY AND SECURITY

PIRACY AND ARMED ROBBERY AGAINST SHIPS

At its 85th session, MSC expressed its support for various initiatives being undertaken, including action by the United Nations Security Council (UNSC), in particular the adoption of UNSC Resolution 1846, extending for another twelve months, from 2 December 2008, the authorization for States and regional organizations to enter Somalia's territorial waters and to use “all necessary means” to repress acts of piracy and armed robbery in these waters.

The Committee also welcomed information regarding the high-level meeting convened by the Special Representative of the Secretary-General of the United Nations on Somalia in Nairobi on 10 and 11 December. It was announced that an IMO-led high level, sub regional meeting for States from the Western Indian Ocean, the Gulf of Aden and Red Sea areas, is to be held in Djibouti, from 26 to 29 January 2009. This meeting will consider a draft Memorandum of Understanding (MoU) for regional co-operation to enhance maritime security and combat piracy and armed robbery against ships in the Red Sea and Gulf of Aden area, and a draft regional agreement concerning the repression of piracy and armed robbery against ships in the wider Western Indian Ocean and Gulf of Aden area.
The Committee instructed a correspondence group, tasked with the revision of guidance on the prevention and suppression of acts of piracy and armed robbery against ships, to consider the need for guidance to seafarers should they be attacked, fired upon, kidnapped or held hostage. The group was also instructed to discuss proposals on practical measures to enhance the safety and security of merchant ships against attack and to examine the carriage of firearms or armed personnel on board such vessels.

It was noted that the number of acts of piracy and armed robbery against ships reported to the Organization in the first nine months of 2008 (1 January to 30 September) was 214, against 213 in the first nine months of 2007. Although the overall number of reported acts of piracy and armed robbery against ships during the period under review was virtually unchanged, the decrease in the number of incidents in most areas of the world had been negated by the sharp increase in both number and severity of attacks in waters off the coast of Somalia.

During the period under review, seven crew members were killed, 20 crew members were reportedly injured or assaulted, more than 430 crew members were reportedly taken hostage or kidnapped and 29 ships were hijacked, largely off the coast of Somalia. The Committee urged all Governments and the shipping industry to intensify and coordinate their efforts to eradicate these unlawful acts.

LONG RANGE IDENTIFICATION AND TRACKING (LRIT)

The MSC reviewed progress on the implementation of the LRIT system with respect to the transmission of LRIT information by ships, from 30 December 2008.

Two resolutions were adopted, one appointing the International Mobile Satellite Organization (IMSO) as the LRIT Coordinator and one on Operation of the International LRIT Data Exchange, which agrees that the United States should continue to provide the International LRIT Data Exchange on an interim basis until 31 December 2011, while a permanent solution is sought.

The Committee approved an MSC Circular providing guidance on the application of the mandatory SOLAS provisions concerning the global LRIT system, from 31 December 2008, as well as a number of other circulars relating to the technical specifications of the LRIT system and its establishment and utilization, such as for search and rescue purposes.

Protocols and arrangements for the prototype, development, integration and modification testing phases of the LRIT system were also approved. It was agreed that the ad hoc LRIT Group would meet before the next session of the MSC to review outstanding issues relating to the full establishment of the LRIT system.

SOLAS regulation V/19-1 on LRIT entered into force on 1 January 2008 and will apply to ships constructed on or after 31 December 2008, with a phased implementation schedule for ships constructed before 31 December 2008.

GOAL-BASED NEW SHIP CONSTRUCTION STANDARDS

Substantial progress was made in developing goal-based standards (GBS) for the construction of new bulk carriers and oil tankers. Draft SOLAS amendments to make GBS mandatory for such new ships were agreed, as were the draft international goal-based ship construction standards for bulk carriers and oil tankers, with a view to approval at MSC 86, in May 2009, and eventual adoption at MSC 87, in 2010.
The MSC also further developed the proposed draft Guidelines for the verification of compliance with GBS and draft Guidelines for the information to be included in a Ship Construction File, and agreed to work towards finalizing them at MSC 86.

MEASURES TO ENHANCE MARITIME SECURITY

The MSC approved an MSC circular on Non-mandatory guidelines on security aspects of the operation of vessels that do not fall within the scope of SOLAS chapter XI-2 and the ISPS Code.

INTERNATIONAL CODE ON INTACT STABILITY, 2008 (2008 IS CODE)

The International Code on Intact Stability, 2008 (2008 IS Code), and amendments to the SOLAS Convention and to the 1988 Load Lines Protocol to make the Code mandatory, were adopted, and an MSC circular on Early application of the International Code on Intact Stability, 2008 (2008 IS Code), to encourage its implementation, was approved. The amendments are expected to enter into force on 1 July 2010.

The 2008 IS Code provides, in a single document, both mandatory requirements and recommended provisions relating to intact stability, taking into account technical developments, in particular regarding the dynamic stability phenomena in waves, based on state-of-the-art concepts. The Code’s mandatory status, under both the SOLAS Convention and the 1988 Load Lines Protocol, will significantly influence the design and the overall safety of ships.

INTERNATIONAL MARITIME SOLID BULK CARGOES CODE (IMSBC CODE)

The International Maritime Solid Bulk Cargoes Code (IMSBC Code), and amendments to SOLAS chapter VI to make the Code mandatory, were adopted. The amendments are expected to enter into force on 1 January 2011. The IMSBC Code will replace the Code of Safe Practice for Solid Bulk Cargoes (BC Code), which was first adopted as a recommendatory code in 1965 and has been updated at regular intervals since then.

The aim of the mandatory IMSBC Code is to facilitate the safe stowage and shipment of solid bulk cargoes by providing information on the dangers associated with the shipment of certain types of cargo and instructions on the appropriate procedures to be adopted.

NEW CASUALTY INVESTIGATION CODE ADOPTED

At its, 84th session, MSC adopted a new Code of International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code). Relevant amendments to SOLAS Chapter XI 1 were also adopted, to make parts I and II of the Code mandatory. Part III of the Code contains related guidance and explanatory material.

The Code will require a marine safety investigation to be conducted into every "very serious marine casualty", defined as a marine casualty involving the total loss of the ship or a death or severe damage to the environment.

The Code will also recommend an investigation into other marine casualties and incidents, by the flag State of a ship involved, if it is considered likely that it would provide information that could be used to prevent future accidents.
The new regulations expand on SOLAS Regulation I/21, which require Administrations to undertake to conduct an investigation of any casualty occurring to any of its ships "when it judges that such an investigation may assist in determining what changes in the present regulations might be desirable".

VOLUNTARY IMO MEMBER STATE AUDIT SCHEME

At its 104th session, the Council noted that 26 audits under the Voluntary IMO Member State Audit Scheme had been completed so far, the end of 2008. Meanwhile, four regional training courses for auditors had been held during 2008, with four courses being organized for 2009. The Council encouraged Member States, which had not yet done so, to volunteer for audits and also encouraged them to continue nominating qualified auditors for inclusion in the roster of auditors; and for their nominated auditors to attend the regional auditors' training courses being organized by the Organization. The Council noted the issuance, by the Secretariat, of various audit reports, in particular, the second consolidated audit summary report and requested the Maritime Safety and Marine Environment Protection Committees to consider these reports and advise the council on any recommendations. It also requested the Secretary-General to prepare, for consideration by the Council at its next session in June 2009, a holistic and detailed proposal on the way forward to further develop the Audit Scheme.

III

MARINE POLLUTION FROM VESSEL’S SOURCE

RECYCLING OF SHIPS

IMO is currently developing a Convention providing globally regulations for international shipping and for ship recycling facilities. An ad hoc diplomatic conference is to take place in Hong Kong, China, from 11 to 15 May 2009, to consider the adoption of the new international convention for the safe and environmentally sound recycling of ships.

The Marine Environment Protection Committee (MEPC) of the International Maritime Organization (IMO) approved the text of the draft convention when it met for its 58th session.

The MEPC conducted an article-by-article and regulation-by-regulation review of the draft new convention. The text has been circulated for consideration and adoption by the diplomatic conference to be held in Hong Kong, China.

The new convention will provide regulations for the design, construction, operation and preparation of ships so as to facilitate safe and environmentally sound recycling, without compromising their safety and operational efficiency; the operation of ship recycling facilities in a safe and environmentally sound manner; and the establishment of an appropriate enforcement mechanism for ship recycling, incorporating certification and reporting requirements.

Ships to be sent for recycling will be required to carry an inventory of hazardous materials, specific to each ship, while an appendix to the convention will provide a list of hazardous materials whose installation or use in ships is prohibited or restricted in shipyards, ship repair yards, and ships of parties to the future convention. Ships will have to have an initial survey to verify the inventory of hazardous materials, surveys during the life of the ship, and a final survey prior to recycling.
Ship recycling facilities will be required to provide a ship specific "Ship Recycling Plan", to specify the manner in which each ship will be recycled, depending on its particulars and its inventory. Parties will be required to take effective measures to ensure that ship recycling facilities under their jurisdiction comply with the convention.

A series of guidelines are being developed to assist in the implementation of the new convention while the entry into force criteria for the convention will be decided by the 2009 conference when formally adopting the proposed convention.

EMISSIONS FROM SHIPS

AIR POLLUTION

MARPOL Annex VI Regulations for the Prevention of Air Pollution from Ships entered into force in May 2005. Eight years after its adoption but only two months after it entered into force, MEPC 53 (July 2005) decided that it should undergo a general revision. The decision was based on new knowledge of the harmful impact diesel exhausts have on ecosystems and human health and recognized that technological developments would enable significant improvements over the current standards.

After three years of intensive work and hundreds of submissions, MEPC 58 in October 2008 unanimously adopted the revised Annex VI and its closely related NOx Technical Code 2008. This was an outstanding achievement since many of the issues had been highly controversial with extremely diverse set of opinions and a very polarized debate.

The main changes to MARPOL Annex VI would see a progressive reduction in emissions of sulphur oxide (SOx), nitrogen oxide (NOx) and particulate matter from ships.
The revised Annex VI, and the associated NOx Technical Code, will enter into force on 1 July 2010, under the tacit acceptance amendment procedure.

The adopted amendments represent a remarkable step towards establishing new global standards responsive to the air quality problems experienced in coastal areas across the globe, the approved amendments are not in any way the least common denominator - rather they are standards that will apply advanced treatment technologies and other measures, that once implemented, will significantly reduce harmful emissions to air from ships.

**GREENHOUSE GASES FROM SHIPS**

In the context of the ongoing efforts of the international community to address the phenomena of climate change and global warming (in particular through the mechanisms of the United Nations Framework Convention on Climate Change (UNFCCC)), and in the light of the mandate given to IMO in the Kyoto Protocol to address the limitation or reduction of greenhouse gas emissions from ships, the MEPC maintained momentum on the issue and made substantive progress in developing technical and operational measures to address such emissions, including the development of an energy efficiency design index for new ships and an energy efficiency operational index, with associated guidelines for both; an efficiency management plan suitable for all ships; and a voluntary code on best practice in energy efficient ship operations.

The Committee approved the usage of the draft Interim Guidelines on the method of calculation of the Energy Efficiency Design Index for new ships, for calculation/trial purposes with a view to further refinement and improvement.

The MEPC also held a discussion on market-based measures, and agreed to further discuss such measures at MEPC 59.

For its deliberations on these matters, the Committee received information on Phase 1 of the updating of the 2000 IMO Study on GHG emissions from ships, which estimated emissions of carbon dioxide (CO$_2$) from international shipping both from activity data and from international fuel statistics. The resulting consensus estimate for 2007 CO$_2$ emissions from international shipping amounts to 843 million tonnes, or 2.7% of global CO$_2$ emissions, as compared to the 1.8% estimate in the 2000 IMO study. The Phase 1 updating estimated future emissions from international shipping based on global developments outlined by the Intergovernmental Panel on Climate Change (IPCC) and, in the absence of future regulations on CO$_2$ emissions from ships, such emissions were predicted in the base scenarios to increase by a factor of 2.4 to 3.0 by 2050. For 2020, the base scenario predicts increases ranging from 1.1 to 1.3, taking into account significant efficiency improvements resulting from expected long-term increases in energy prices.

Further work on the limitation and reduction of GHGs from ships will continue at an intersessional meeting early in 2009, for presentation to MEPC 59 in July, which also will benefit from the findings of the second and final part of the update of the 2000 IMO study. The outcome of MEPC 59 will, in accordance with the Committee's established action plan, be presented to the United Nations conference on climate change to be held in Copenhagen in December 2009.

The MEPC further discussed the application of measures to reduce or limit greenhouse gas emissions from ships, in particular whether such measures should be mandatory or voluntary for all States.
Several delegations spoke in favour of the common but differentiated responsibility (CBDR) principle under the UNFCCC. In their view, any mandatory regime aiming at reducing GHG emissions from ships should be applicable to the countries listed in Annex I to the UNFCCC only. However, several other delegations expressed the opinion that, given the global mandate of IMO as regards the safety of ships and the protection of the marine environment from ship emissions, the IMO regulatory framework on the GHG issue should be applicable to all ships, irrespective of the flags they fly. It was stressed that, as three-quarters of the world's merchant fleet fly the flag of countries not listed in Annex I to the UNFCCC, any regulatory regime on the reduction of GHGs from shipping would be ineffective for the purpose of combating climate change, if it were made applicable only to Annex I countries.

AQUATIC INVASIVE SPECIES TRANSFERRED BY SHIPS

The introduction of invasive aquatic species (IAS) into new environments by ships’ ballast water, attached to ships’ hulls and via other vectors has been identified as one of the four greatest threats to the world’s oceans. The UNCLOS requires States to work together “to prevent, reduce and control human caused pollution of the marine environment, including the intentional or accidental introduction of harmful or alien species to a particular part of the marine environment.”

IMO has responded to this challenge by adopting the International Convention for the Control and Management of Ships’ Ballast Water and Sediments (BWM Convention) and by establishing a Correspondence Group under one of its technical sub-committees to develop international measures to minimize the transfer of IAS through bio-fouling of ships.

BALLAST WATER MANAGEMENT CONVENTION

The MEPC adopted Guidelines for ballast water sampling and Revised guidelines for approval of ballast water management systems, intended to assist in the effective implementation of the BWM Convention, bringing to 14 the package of finalized guidelines required by the instrument. One final set of guidelines, on port State control, is being developed by IMO's Sub Committee on Flag State Implementation and is to be adopted in year 2010.

The Committee also approved the Guidance document on arrangements for responding to emergency situations involving ballast water.

The MEPC gave final approval to two ballast water management systems that make use of active substances, bringing to four the total number of systems having received final approval to date. On the same occasion the Committee concluded that ballast water treatment technologies are now available and their number and diversity will most probably increase in the future assisting the shipping industry to meet the requirements contained in BWM Convention and facilitating its timely and effective ratification by the IMO Member States.

To date, 18 States have ratified the BWM Convention, adopted in February 2004, representing about 15.36% of the world's merchant shipping. In accordance with article 18 of the BWM Convention, the treaty will enter into force twelve months after the date on which not less than thirty States, the combined merchant fleets of which constitute not less than thirty-five percent of the gross tonnage of the world’s merchant shipping, have become Parties to it. The Committee urged other States to ratify the Convention at the earliest opportunity.
TRANSFER OF IAS THROUGH BIO-FOULTING OF SHIPS

MEPC approved the inclusion of a new high priority item in the work programme of the BLG Sub-Committee on the “development of international measures for minimizing the transfer of invasive aquatic species through bio-fouling of ships” and invited interested delegations to submit appropriate documents to the Sub-Committee for its consideration. A Correspondence Group has been established in March 2008 to facilitate future work on this new agenda item.

The Group undertook a review of research to develop a clear understanding of the potential for harmful effects of bio-fouling of ships on the marine environment, human health, property and resources and commenced development of draft interim practical guidance for minimizing such effects. It is expected that the Group will continue its work during year 2009 with a view to adopting specific guidelines by an MEPC resolution in 2010.

PARTICULARLY SENSITIVE SEA AREAS

At its 57th session, MEPC adopted resolution MEPC.171(57), designating the Papahānaumokuākea Marine National Monument, in the area of the North-western Hawaiian Islands (NWHIs), as a Particularly Sensitive Sea Area (PSSA). The PSSA will protect a unique, fragile and integrated coral reef ecosystem that consists of an approximately 1,200-mile stretch of small islands, atolls, banks, seamounts, pinnacles, shoals and other emergent features. The MEPC designated the PSSA “in principle” at its previous session, pending adoption of associated protective measures by the Maritime Safety Committee (MSC), in October 2007. These measures have now been adopted and were implemented at 0000 hours UTC on 1 May 2008.

They include amendments to and expansion of the six existing recommended Areas To Be Avoided (ATBAs), which were adopted by IMO in 1981 to protect the NWHIs, and the adoption of additional ATBAs around Kure Atoll and Midway Atoll as well as three other areas between islands. In addition, a ship-reporting system was established which is recommendatory for transiting ships and mandatory as a matter of entry into a United States port or place. This provides critical alerts and other information to assist safe navigation in this area and to provide information on vessel traffic in transit through the PSSA, to facilitate the ability to respond to maritime emergencies.

MEDITERRANEAN SPECIAL AREA FOR GARBAGE RULES

At its 57th session, MEPC agreed to set a date of 1 May 2009 from which the discharge requirements in respect of the “Mediterranean Sea area” (a Special Area under MARPOL Annex V) shall take effect. The move followed discussion of a submission from the Mediterranean coastal States declaring that adequate reception facilities for garbage, as required by MARPOL Annex V, are available and cover the relevant ports within the region.
LONDON CONVENTION, 1972 AND PROTOCOL

Ocean Fertilization

Ocean fertilization activities, other than legitimate scientific research, should not be allowed, according to a resolution adopted by Parties to the international treaties which regulate the dumping of wastes and other matter at sea.

“Given the present state of knowledge, ocean fertilization activities other than legitimate scientific research should not be allowed,” states the (non-binding) resolution, adopted by the Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Convention) and to the 1996 Protocol thereto (London Protocol), which met in London from 27 to 31 October 2008 (LC30/LP3).

The resolution followed previous discussions by Parties to the two treaties on planned operations for large-scale fertilization of the oceans using micro-nutrients - for example, iron - to sequester carbon dioxide (CO$_2$). The resolution states that ocean fertilization activities other than legitimate scientific research, “should be considered as contrary to the aims of the Convention and Protocol and not currently qualify for any exemption from the definition of dumping”.

In the resolution, Parties agreed that scientific research proposals should be assessed on a case-by-case basis using an assessment framework to be developed by the Scientific Groups under the London Convention and Protocol. Until specific guidance is available, Parties should be urged to use utmost caution and the best available guidance to evaluate scientific research proposals to ensure protection of the marine environment consistent with the Convention and Protocol. Parties agreed to consider further a potential legally binding resolution or amendment to the London Protocol at their next session in 2009.

CO$_2$ Capture and Storage

Following the entry into force in 2007 of amendments to the London Protocol relating to the control of CO$_2$ capture and storage in sub-seabed geological formations, the meetings noted that, if a CO$_2$ stream injected into a sub-seabed geological formation is expected to cross a jurisdictional boundary between two or more countries, regulators should take special care to notify and seek input from those countries before issuing a permit in order to ensure compliance with relevant regulations under the London Protocol.

Parties agreed that the London Protocol should not constitute a barrier to the trans-border movement of CO$_2$ streams and agreed to continue this discussion by correspondence, and consider the option of developing an amendment to Article 6 of the Protocol, which prohibits the export of wastes for dumping purposes, or an interpretative resolution, or a combination of the two.

Other achievements

The meetings reviewed and adopted the following technical guidance documents:

1. the “Revised Generic Guidelines for the Assessment of Wastes and Other Matter”, replacing the 1997 Guidelines on the same issue;
2 the “Revised Specific Guidelines for the Assessment of Inert, Inorganic Geological Material”, replacing the 2000 Guidelines on the same issue;

3 the LC/LP-UNEP Guidelines for the Placement of Artificial Reefs. These Guidelines will be published in the UN working languages as soon as possible in 2009, using funds received for this purpose from UNEP and Contracting Parties; and

4 The “Guidance for the Development of Action Lists and Action Levels for Dredged Material”. This Guidance will also be published in 2009 following a sound technical edit by the IMO Publishing Service.

The Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP)

GESAMP Session 35 was held in May 2008 in Accra, Ghana. A proposal for a new Working Group (WG39, “Global trends in pollution of coastal ecosystems: retrospective ecosystem assessment”) was put forward and approved in principle by GESAMP. Also, status reports of the activities of the existing seven Working Groups and Task Teams were reviewed.

As a part of making GESAMP more visible the GESAMP Office was established in IMO in 2008. It functions as a coordination centre for, and on behalf of, the eight Sponsoring Organizations of GESAMP.

Another effort to increase the visibility of GESAMP has been to develop a new website. The project was a joint effort of IMO and IAEA, and the website can be found at www.gesamp.org. Part of the website is the Pool of Experts where experts can add their CVs to a database. The database is searchable by the Sponsoring Organizations, and provides the main source of recruitment to GESAMP.

GESAMP has continued to provide scientific support to the lead agencies of the Assessments of Assessments (AoA) phase for the UNGA Regular Process. Following a request from the AoA Secretariat, GESAMP formed a Task Team, which, in March 2008 submitted a review of the assessment landscape regarding marine pollution of the open ocean, including atmospheric inputs and shipping. GESAMP has also been peer reviewing the full report of the AoA which will be completed for submission to the UN General Assembly later this year.

Starting in 2005 GESAMP has received substantial support from the Swedish International Development Cooperation Agency (SIDA). The support is aimed at making GESAMP accessible to experts from development countries, and to make GESAMP an integral part of the UN Regular Process. The support has been very important in revitalizing GESAMP, and has made it possible to start more Working Groups and Task Teams, to have GESAMP represented at more meetings, conferences and workshops and to have more experts from developing countries represented in these activities. Today 46 % of the GESAMP Experts come from developing countries. Part of the SIDA support consists of an APO working in the GESAMP Office. With the APO in place GESAMP is continuing to increase its visibility, accessibility and scientific impact.
NEW DRAFT HNS PROTOCOL

At its 94th session, the Legal Committee of the International Maritime Organization (IMO) made significant progress in developing a new draft Protocol to the 1996 HNS Convention (the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea), when it met for its 94th session.

There was broad agreement in principle on the need for a draft Protocol, however Member States agreed more time was needed to consider the draft and that this should take place at the next session of the Legal Committee (April 2009).

The new draft Protocol is designed to address practical problems that have prevented many States from ratifying the Convention which, despite being adopted in 1996, has, to date, only 13 ratifications and has not yet met its entry into force criteria.

The 1996 HNS Convention was based on the highly successful model of the Civil Liability and Fund Conventions. Like those instruments, it sought to establish a two-tier system for compensation to be paid in the event of accidents at sea, in this case involving hazardous and noxious substances, such as chemicals. Tier one would be covered by compulsory insurance taken out by shipowners, who would be able to limit their liability; compensation claims over that amount (i.e. tier two) could be paid from a fund, made up of contributions from the States Party to the Convention. Contributions would be calculated according to the amount of HNS received by each State.

However, among the obstacles that have discouraged ratification of the Convention, one of the most difficult to overcome has been the requirement for States to declare the quantities of HNS received. The sheer range and diversity of hazardous and noxious substances that will be governed by the HNS Convention has made this a complex issue that is hard to resolve in practical terms. The draft Protocol, which was developed by a focus group established by the 1992 IOPC Fund Assembly, is intended to address this problem, as well as others thought to be acting as barriers to ratification of the Convention.

The IMO Legal Committee invited Member States to give further consideration to the issue with a view to finalizing the draft Protocol at the next session.